

JUN - 7 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 93-69
Amendment of Section 73.202(b)) RM-8106
Table of Allotments)
FM Broadcast Stations)
(San Carlos and Oracle, Arizona))

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REPLY COMMENTS OF DESERT WEST AIR RANCHERS CORPORATION

Desert West Air Ranchers Corporation ("Desert West"), permittee of FM Station KCDX (formerly KOYF), Channel 279A, San Carlos, Arizona, hereby submits its Reply Comments in the above-captioned rule making proceeding.

HISTORY

This proceeding involves a proposal advanced by Desert West to amend the FM Table of Allotments by substituting FM Channel 276C2 for Channel 279A at San Carlos, Arizona which required the substitution of Channel 279A for 276A at Oracle, Arizona, licensed to FM Station KLQB.

The Commission, on March 31, 1993, advanced the same proposal in its NOTICE OF PROPOSED RULEMAKING AND ORDER TO SHOW CAUSE ("NPRM") which also ordered KLQB to Show Cause why its license should not be so modified.

In response to the NPRM, Desert West supplied its Comments supporting its original proposal and Golden State supplied its COUNTER PROPOSAL OF GOLDEN STATE BROADCASTING CORPORATION AND RESPONSE TO ORDER TO SHOW CAUSE ("Counter Proposal"). The Counter Proposal requires the dismissal of Desert West's Petition, the

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spectrum in their border communities (which will grow and prosper under the North American Free Trade Agreement), thus allowing a US broadcaster to add the 40th plus signal to the Tucson radio market. This type of proposal shows a basic disrespect for Mexico and the Commission. On the other hand, Desert West's proposal is fully compliant with the existing US/Mexico treaty and respects all their allocations and stations. Even if Mexico were willing, in this one case, to grant Golden State's request, it would set an untenable precedent for the Commission and the Department of State.

Because Golden State's Counter Proposal relies on a yet to be adopted treaty (of which no text has been released) and requires an unprecedented action by Mexico, the Commission should dismiss the Golden State Counter Proposal as premature and one which plainly does not warrant consideration by the Commission (1.400 e).

SHORT SPACED

Golden State's Counter Proposal also requires the substitution of Channel 276A (non-commercial) at Comobabi, Arizona. Golden State has proposed replacement Channels 275A or 277A at that community. Again, according to EXHIBIT 2 of Golden State's own Counter Proposal, both allocations are short spaced more than 55 KM with stations or allocations at Nogales, Sonora, Mexico. Channel 275A is short spaced to first adjacent XHQT-FM Channel 274B, Nogales and Channel 277A is short spaced to XHRZ-FM Channel 278B, Nogales. The reason for the short spacing is that new US allocations (which the Comobabi replacement Channels would be) are 6KW Class A which under the current Commission rules MUST be considered Class B with respect to Mexico (73.207 b 3). Golden

Oracle. Channel 266C2 or Channel 270C2 could be allocated to Oracle
at coordinates 111 00 00 00 25 00. These allocations would

CERTIFICATION

I, Ted Tucker, do hereby certify that I am President of Desert West Air Ranchers Corporation and that the foregoing "Reply Comments of Desert West Air Ranchers Corporation" were prepared by myself or under my direction and are true and correct to the best of my knowledge.



Ted Tucker

President
Desert West Air Ranchers Corporation
PO Box 36717
Tucson, Arizona 85740
602-797-1008

Date: June 6, 1993

ORIGINAL

CERTIFICATE OF SERVICE

I, Ted Tucker, do hereby certify that I have caused a copy of the foregoing "Reply Comments of Desert West Air Ranchers Corporation" to be sent by first class United States Mail, postage prepaid, this 6th day of June 1993:

*Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20054


Ms. Nancy Joyner
Federal Communications Commission
2025 M Street N.W.
Washington, D.C. 20554

Eleanor Ballard, President
Golden State Broadcasting Corporation
Station KLQB-FM
PO Box 35367
Tucson, Arizona 85740

(NOTE: According to the USPS, PO Box 26040, Tucson, AZ is no longer a viable address for Golden State)

James A. Stenger
ROSS & HARDIES
888 Sixteenth Street, N.W.
Washington, D.C. 20006

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*/ By Express Mail